

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS

State Building Code Appeals Board
Docket No. 05-459

BOARD'S RULING ON APPEAL

All hearings are audio recorded. The digital recording (which is on file at the office of the Board of Building Regulations and Standards) serves as the official record of the hearing. Copies of the recording are available from the Board for a fee of \$10.00 per copy. Please make requests for copies in writing and attach a check made payable to the Commonwealth of Massachusetts for the appropriate fee. Requests may be addressed to:

Patricia Barry, Coordinator
State Building Code Appeals Board
BBRS/Department of Public Safety
One Ashburton Place - Room 1301
Boston, MA 02108

Jeremy Mason)
Appellant,)
)
v.)
)
Town of Dedham and Ken Cinemo)
Appellees)
)

Procedural History

This matter came before the State Building Code Appeals Board ("the Board") on the Appellant's appeal filed pursuant to 780 CMR 122.1. In accordance with 780 CMR 122.3, Appellant asks the Board to grant a variance from 505.3 of the Massachusetts State Building Code ("MSBC") pertaining the property of 200 Elm Street, Building B, Dedham MA 02027. In accordance with MGL c. 30A, §§ 10 and 11; MGL c. 143, §100; 801 CMR 1.02 et. Seq.; and 780 CMR 122.3.4, the Board convened a public hearing on August 21, 2007 where all interested parties were provided with an opportunity to testify and present evidence to the Board.

Present and representing himself was the Appellant. Also present were Dom Maiellaro, Dan Molenkamp, and Stewart Rappaport.

Decision: Following testimony, and based upon relevant information provided, Board members voted as indicated below.

X..... **Granted** ☐..... Denied ☐..... Rendered Interpretation
☐.....Granted with conditions (see below) ☐..... Dismissed

The vote was:

X**Unanimous** ☐ Majority

Reasons for Variance:

Testimony was presented by the attendees, which is summarized in the letter submitted by RJA, Inc. dated August 7 2007. The variance request details that Sections 505.3 and 505.4 required that Mezzanines that are not open to the floor or space below and that contain an occupant load of more than 10 people, have two (2) means of egress, one of which discharges directly to an exit enclosure. Because of the central location of this mezzanine it was considered a hardship to comply with the code. The Appellant described the design being considered for the variance which have two enclosed means of egress stairs that discharge to the floor below in lieu of the code permitted open stairway and stairway that discharges at grade level The design team and RJA consider this configuration as safe as the code prescribed means of egress for four reasons which are outlined in the letter and reproduced below:

- 1) The Projection Mezzanine is not open to the floor below and is separated with two hour fire resistance rated construction. This limits the spread of smoke to the floor and also allows occupants a clearer path of travel to exits. In addition, each stair is separated from the balance of the building with 2 hour rated construction (only one-hour rated stairs are required as they connect less than three stories)
- 2) The program occupant load of the floor is really 1 to 2 people, which is much less than the code required occupant load number of 19 people. If the calculated number of people was less than 10 people and travel distance could be satisfied to the bottom of the stair, one unenclosed means of egress would be permitted. Instead, two enclosed stairs are proposed.
- 3) The few number of people on the floor will be intimately familiar with the building as only employees will be on this Mezzanine. These employees should be able to quickly find means of egress stairs and exit the building based on their familiarity of the building.
- 4) The building is provided with a complete sprinkler and standpipe system, is provided with fire alarm system with voice communication capabilities, and is provided with other life safety features such as exit signs and emergency lighting.

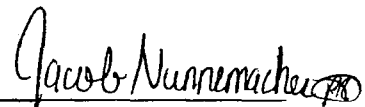
Following testimony, and based upon relevant information provided, Jake Nunnemacher made a motion to grant the variance from 505.4 and 505.3, because the building and fire departments are both in favor of granting the variance and because there is an increase in the stair fire rating because the building is fully sprinklered. The board voted unanimously for the motion.



Chairman - Brian Gale



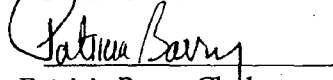
Alexander MacLeod



Jake Nunnemacher

A complete administrative record is on file at the office of the Board of Building Regulations and Standards.

A true copy attest, dated: October 2, 2007


Patricia Barry, Clerk

Any person aggrieved by a decision of the State Building Code Appeals Board may appeal to a court of competent jurisdiction in accordance with Chapter 30A, Section 14 of the Massachusetts General Laws.